

REMARKS/ARGUMENTS

Claims 1, 3-5, 7-25, 27-49, 51-53, 55-75 and 77-166 are pending.

Claims 2, 6, 26, 50, 54 and 76 have been canceled.

Claims 1, 19, 20, 49 and 70 are currently amended.

Claims 107-162 are newly added.

RESPONSE TO CLAIM REJECTIONS UNDER 35 U.S.C. § 112, ¶2

Claims 29-33 and 38-48 stand rejected under 35 U.S.C. 112, second paragraph.

Claim 29 stands rejected for a lack of antecedent basis for “the desired softening point” in the last two lines of the claim. Applicants respectfully traverse this rejection as there is antecedent basis in line 2 of the claim which recites “a desired softening point.”

Claims 29 and 38 stand rejected because it is not clear “what softening point would be considered a desirable softening point”. Applicants respectfully submit the original claim language is clear and that the “desired” softening point is the softening point desired for a particular output. It is clear that the “desired” softening point is not a fixed point but is dependent on the desired properties of the output. Applicants submit that “desired” or “desirable” is common and clear claim terminology, see, for example, claim 1 of U.S. Patent Nos. 5, 348,642 and 5,928,397.

Applicants respectfully submit the claims are clear and definite as originally filed and withdrawal of this rejection is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 3, 5-7, 13 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Boenigk et al. (5,262,043). The examiner alleges "(i)t would be expected that the Boenigk process would produce an output having a softening point as claimed. Applicants respectfully submit that this statement is incorrect. There are differences between the process of Boenigk and applicants' which would lead to an output having a different softening point. For example, the disclosed resonance times of Boenigk (between 2 and 10 minutes) is significantly higher than the 1-60 seconds resonance time disclosed by applicants. Thus, one cannot conclude the softening points would be the same as that claimed in amended claim 1. Applicant respectfully submits Boenigk neither shows nor suggest applicants' claimed process. As such, withdrawal of this rejection is respectfully requested.

Claims 1, 2-7, 12, 13, 18, 19, 49, 51-55, 60, 61 and 66-69 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hanks et al. (5,429,739). The examiner alleges the coal tar pitch product of Hanks has a softening point of 450-530 °F (240-277°C.) In independent claims 1 and 49, as amended, the output coal tar pitch has a softening point range of 140°C to 180°C. Thus, applicants respectfully submit, the process of Hanks does not show nor suggest the recited output softening point range. As such, withdrawal of this rejection is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 6, 8-11, 14-17, 56, 57, 62 and 63 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hanks et al. Applicants respectfully submit the section 103 rejection in view of Hanks alone is not clear because the body of the rejection in the first paragraph of page 5 of the office action refers to Boenigk.

Moreover, these claims should be allowed for their respective direct or indirect dependence from claims 1 and 49 discussed above.

Claims 10, 11, 16, 17, 58, 59, 64 and 65 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hanks in view of Romey et al. (5,128,021). Applicants respectfully submit these claims should be allowed for their respective direct or indirect dependence from claims 1 and 49 discussed above.

Claims 20-28 and 70-78 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hanks et al. in view of Kuechler et al. (5,360,848). Applicants have amended claims 20 and 70 in the same fashion as amending claim 1. Accordingly, applicants respectfully submit that applicants' arguments regarding the Hanks reference above are applicable to claims 20 and 70 and that these claims should be allowed therefore.

Claims 4, 8-11, 14-17, 49, 51-59, 61-65 and 67 stand rejected under 35 U.S.C. § 103 as being unpatentable over Boenigk et al. Applicants respectfully submit these claims should be allowed for their respective direct or indirect dependence from claims 1 and 49 discussed above.

Claims 12, 18, 60 and 66 stand rejected under 35 U.S.C. § 103 as being unpatentable over Boenigk et al. in view of admitted prior art. Applicants respectfully submit these claims should be allowed for their respective direct or indirect dependence from claims 1 and 49 discussed above.

Claims 20-28 and 70-80 stand rejected under 35 U.S.C. § 103 as being unpatentable over Boenigk in view of Kuechler. As discussed above, Boenigk does not teach nor suggest an output coal tar pitch having the claimed softening point range. Furthermore, applicants have amended claims 20 and 70 in the same fashion as amending claim 1. Accordingly, applicants respectfully submit that

applicants' arguments regarding the Hanks reference above are applicable to claims 20 and 70 and that these claims should be allowed therefore.

Claims 68 and 69 stand rejected as being unpatentable over Boenigk in view of McHenry et al. (5,746,906). Applicants respectfully submit these claims should be allowed for their direct or indirect dependence from claim 49 discussed above.

NEW CLAIMS

New independent claims 107 and 122 recite that the feed coal tar pitch is a commercial stock feed coal tar pitch. Applicants respectfully submit commercially available coal tar pitches are not filtered. New independent claims 135 and 149 recite that the feed coal tar pitch is unfiltered and the residence time of the feed coal tar pitch in the processing vessel is in the range of 1 to 60 seconds and 5 to 30 seconds, respectively. The present invention does not utilize a filtering step. It should be noted the process of Romey et al. a feed coal tar pitch which has gone through an initial filtering step. Applicants respectfully submit new claims 107, 122, 135 and 149 are allowable as well as their dependent claims. Early notice of allowance is therefore requested.

ALLOWABLE SUBJECT MATTER

Claims 29-33 and 38-48 were indicated to be allowable if rewritten to overcome 35 U.S.C. § 112, second paragraph rejection. These claims have not been rewritten but are believed to be allowable in their original form as discussed above.

Claims 34-37 and 81-106 were indicated to be allowable.

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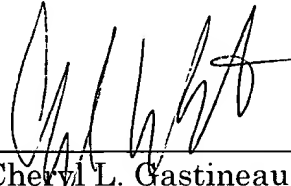
Applicants sincerely thank the examiner for this indication of allowability.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

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By



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